IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1451 OF 2002
IN
CRIMINAL APPEAL NO.413 OF 2002

Nivrutti Seva Sangh .... Applicant.

V/s

Kalavati Devrav Hange ....Respondent.

Mr. S. S. Patwardhan for the applicant.

Mr. Y.M. Nakhwa, APP for the State.

CORAM: V.M. KANADE, J.
DATE : 5th October, 2007

P.C.:

1. Applicant is challenging the judgment and order passed by the Judicial Magistrate, First Class, Sangola dated 21/01/2002 whereby the accused was acquitted of the offence punishable under section 506 of the Indian Penal Code.

2. A complaint was filed against respondent - accused, alleging that she had threatened the complainant that she would go on hunger strike or she would set herself on fire and that she would file a case that the complainant had outraged her modesty. It is alleged that the said threat was oral as also in writing. The Trial Court, after going through the evidence on record, has held that the complainant had not proved that the accused had threatened the President of the Trust

or the head-master. The learned Counsel appearing on behalf of the accused - applicant submitted that the Trial Court had discarded the letters which were written by the respondent which clearly indicated that she had threatened the complainant. He invited my attention to the impugned order as also to the evidence of the complainant and the other witnesses.

3. It is not possible to accept the submissions made by the learned Counsel appearing on behalf of the applicant. The Trial Court, after appreciating the evidence on record, has taken a view which is a plausible view and, as such, it is not possible to substitute the said view which is taken by the Trial Court by taking a different view. Hence, no case is made out for grant of Leave. Leave is refused. Application is dismissed. Appeal does not survive.

(V.M. KANADE, J.)